

REMARKS

Claims 1-19 are pending in the present application. Claims 1, 6 and 7 have been amended and claim 20 has been canceled. Claim 1 is independent. Claims 7-19 stand withdrawn from further consideration by the Examiner as being directed to a non-elected invention.

Restriction Requirement

Claims 7-20 stand withdrawn from further consideration pursuant to 37 C.F.R. § 1.142(b) as being drawn to a non-elected invention.

As the Examiner will note, claim 20 has been canceled and claim 7 has been amended to depend from independent claim 1. Therefore, the combination as claimed requires all of the particulars of the subcombination as claimed and two (2) way distinction cannot be shown by the Examiner. In view of this, claims 7-19 should be examined by the Examiner in the present application along with elected claims 1-6. Favorable consideration of claims 7-19 are therefore respectfully requested.

Rejections Under 35 U.S.C. §§ 102 and 103

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Muylle, USPN 4,480,742. Claims 2-4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Muylle in view of Ballestrazi et al., EP 0 819 637. Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Muylle in view of Ballestrazi et al., and further in view of Kwasnitza, DE 37 03 951. Claim 6 stands rejected under 35 U.S.C. § 103(a) as being

unpatentable over Muylle in view of Ballestrazi et al., and further in view of Uno, USPN 5,507,615 or Maeda, USPN 5,365,817. These rejections are respectfully traversed.

The present invention is directed to a sheet processing apparatus, wherein a combination of elements are recited in independent claim 1 including “a transport apparatus which transports the sheet sheaves while opening up a predetermined distance therebetween.” Applicants respectfully submit that the references relied on by the Examiner fail to teach or suggest the present invention as recited in independent claim 1.

Referring to the Examiner’s Office Action, the Examiner considers the transport apparatus of the present invention to be the elements 41 and 42 of Muylle. However, the elements 41 and 42 do not convey the sheet stacks 44 (sheet sheaves) as recited in independent claim 1 of the present invention. The elements 41 and 42 transport the sheets prior to the sheets being stacked at 44. In view of this, the Examiner’s interpretation of the Muylle reference is incorrect.

Nevertheless, column 5, lines 13-25 of Muylle describe an endless band 43 that is used to transport the stacks 44 to a packing station. However, the endless band 43 merely transports the stacks 44 in a longitudinal direction. A distance between the adjacent stacks is not changed during transport by the endless band 43.

Referring to FIG. 2 of Muylle, sheets are transported on the conveying band 42 toward the stacking position. During this movement, the sheets 40 are separated from each other. However, after the sheets 40 are formed into stacks 44, the stacks 44 are not separated from each other any further by the endless band 43. In addition, Applicants submit that it would not be obvious to modify Muylle to separate the stacks 44 any further, since the stacks 44 have already

been sufficiently separated by the conveying band 42 to transport and package the stacks 44.

This will be explained further below.

In the Examiner's Office Action, the Examiner has relied on the Uno and Maeda references to modify Muylle to arrive at the present invention recited in dependent claim 6. Dependent claim 6 previously included the recitation "while opening of a predetermined spacing therebetween" as now recited in independent claim 1. It is the Examiner's position that it would be obvious to modify Muylle to move the stacks in a first direction and then in a second direction without altering the orientation of the stacks. However, the Examiner has failed to mention the recitation "while opening up a predetermined spacing therebetween" in original dependent claim 6, presumably because the Examiner believed that the elements 41 and 42 of Muylle transport stacks of sheets. In view of this, the Examiner's rejection of previously presented dependent claim 6 "now independent claim 1) should be reconsidered by the Examiner.

In any event, referring to the Uno reference, this reference fails to disclose transporting stacks "while opening up a predetermined spacing therebetween" as now recited in independent claim 1. With regard to the Maeda reference, column 9, lines 28-32 discloses transporting stacks of sheets 8b, 8b while separating the stacks from each other. However, as mentioned above, the stacks 44 of Muylle have already been separated from each other prior to being stacked. Therefore, Applicants submit that it would not be obvious to modify Muylle in view of Maeda to arrive at the present invention as recited in amended claim 1.

With regard to the Examiner's reliance on the Ballestrazi reference, this reference also fails to teach separating sheet sheaves. Therefore, this reference fails to make up for the deficiencies of Muylle.

With regard to dependent claims 2-19, Applicants respectfully submit that these claims are allowable due to their dependence upon allowable independent claim 1, as well as due to the additional recitations in these claims.

In view of the above amendments and remarks, Applicants respectfully submit that claims 1-19 clearly define the present invention over the references relied on by the Examiner. Accordingly, reconsideration and withdrawal of the Examiner's rejections under 35 U.S.C. §§ 102 and 103 are respectfully requested.

CONCLUSION

Since the remaining references cited by the Examiner have not been utilized to reject the claims, but merely to show the state-of-the-art, no further comments are deemed necessary with respect thereto.

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

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In the event there are any matters remaining in this application, the Examiner is invited to contact Paul C. Lewis, Registration No. 43,368 at (703) 205-8000 in the Washington, D.C. area.

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Respectfully submitted,

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